

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

16,374.42 SQUARE FEET OF LAND,
MORE OR LESS, SITUATE IN ST.
CLAIR COUNTY, STATE OF
MICHIGAN, and THE STATE OF
MICHIGAN, *et al.*,

Defendants.

Civil Case No. 10-14619

HON. PATRICK J. DUGGAN
Mag. Judge Mona K. Majzoub

ORDER FOR WITHDRAWAL
OF CERTAIN ESTIMATED JUST COMPENSATION

This matter having come before the Court upon the application of the State of Michigan, as an interested party to this action, hereinafter referred to as “State Applicant,” by and through its counsel, respectfully requests distribution of certain estimated just compensation deposited in the Registry of the Court by plaintiff in the above-captioned case, plus any interest accrued thereon, no objections having been filed by any other party, and the court having considered the application;

IT IS HEREBY ORDERED that the Clerk of the Court withdraw from the estimated just compensation funds deposited by the United States, and issue a Registry check for \$15,300.00 plus any interest accrued thereon to the State of Michigan, and deliver same to State Applicant in care of its attorney, Assistant Attorney General Tonatzin M. Alfaro Maiz, Michigan Department of Attorney General, 525 West Ottawa Street, 6th Floor, Lansing, MI 48933.

IT IS FURTHER ORDERED that payment of the aforesaid estimated just compensation is conditioned upon the following:

- a. If it is finally determined that State Applicant was not entitled to receive said deposit, or any part thereof, State Applicant agrees to refund into the Registry of this Court said sum paid to State Applicant, or such part thereof as the Court may direct, with interest at the rate of 52-week Treasury Bills, calculated in accordance with the provisions of 40 U.S.C. § 258e-1 from the date of disbursal of the deposit to State Applicant to the date of repayment into the Registry of the Court;
- b. In the event that a final judgment is entered for just compensation in an amount less than that which has been paid to State Applicant, including any amount expended for taxes, liens and encumbrances, State Applicant agrees to refund into the registry of the Court the amount by which such payment exceeds said judgment, with interest at the rate of 52-week Treasury Bills, from the date of disbursal of the deposit to State Applicant to the date of repayment into the registry of the Court, calculated in accordance with the provisions of 40 U.S.C. § 258e-1; and
- c. State Applicant agrees that it will hold the United States and this Honorable Court harmless from any and all claims made by parties having liens or encumbrances, or other parties who may have been entitled to such compensation or any part thereof by reason of any recorded or unrecorded instrument or agreement.

s/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: September 8, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on Thursday, September 08, 2011, by electronic and or ordinary mail.

s/Marilyn Orem
Case Manager

STATEMENT OF THE UNITED STATES

Plaintiff, United States of America, does not object to the orderly and prompt distribution of the funds deposited with the registry of the Court to the applicant entitled thereto. Plaintiff takes no position as to who is entitled to distribution of the deposited funds.

THE UNITED STATES OF AMERICA

BARBARA L. McQUADE
United States Attorney

s/Ellen Christensen
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Date: July 27, 2011